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IN THE UNITED STATES DISTRICT COURT
FROM THE MIDDLE DISTRICT OF PENNSYLVANIA

PHAN HUE
Plaintiff

vs.

James Updike D.A.,
Joseph Mataloni,
Edward O'Brian, and
Dale Hazlak

: Civil Action
: No.: 1:01-CV-1064

FILED
SCRANTON

MAR 07 2002

: (Judge Kane) PER 
: (Magistrate Judge Smyser) 

MOTION FOR ENLARGEMENT OF TIME

1. The Plaintiff in this civil matter is requesting an extension of time to file the appropriate response to the defendants "Motion to dismiss the Complaint of Phan Hue.

2. The Law library has been closed for four days (2/26/02-3/1/02) due to construction and remodeling.

3. The Plaintiff has just received the defendants Motion (2/8/02), Updike's on 2/22/02.

4. Plaintiff is aware of a filing time "table" he must meet by a specific rule of court.

5. Plaintiff has very little time to research these matters plus research the case citation(s) named in the defendant's motions.

6. The inconvenience of the closure of the Law library so many days in a row and the last motion being filed on 2/22/02 is time constraining.

7. There are a number of issues which need to be addressed here such as the matters of Exhaustion of the Administrative remedy.

8. The question of F.R.C. 12(b)(6) for a Claim to stated for relief. Plaintiff hopes that this court will make it's own determination of liability damages.

9. Mr. Langyel refused to send Mr. Hue copies of the original grievance and the outcome. There was no available avenue to appeal this administration. This is a medical complaint for which treatment was never provided. There are X-rays too. An operation is necessary to fix my rotator cuff.

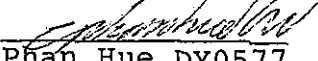
10. The Plaintiff is unlearned in the English language; He is from Vietnam. With all the circumstances taken into consideration may this court waive the due date and enlarge the time?

Conclusion

Where this Plaintiff, "Phan Hue", prays that this Honorable court grant this motion for enlargement of time due to the nature of the case, the loss of the Law library, the lateness of Mr. Updike's motions, and the surrounding circumstances involved with this matter. I am sure that any time over seven(7) days would be an appropriate amount of time.

mh

Dated 3-5-02

Signature 
Phan Hue DY0577
660 State Route 11
Hunlock Creek, PA 18621

Phan Hue
Plaintiff

vs.

James Updike D.A.,
Joseph Mataloni,
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CERTIFICATE OF SERVICE

The Plaintiff, "Phan Hue", is now serving the parties below
by first class mail as follows: A motion for Enlargement of
time.


Cathleen E. Phillips
PA Department of Corrections
Office of Chief Counsel
55 Utley Drive
Camp Hill, PA 17001

Clerk Office of the
Middle District Court
235 North Washington Ave.
P.O. Box 1148
Scranton, PA 18501-1148

Gold, Butkovitz & Robins, P.L.
Manor Professional Building
7837 Old York Road
Elkins Park, PA 19027

cc

Date: 3-5-02

Signature 
Phan Hue DY0577
660 State Route 11
Hunlock Creek, PA 18621